



Shire of Esperance

ORDINARY COUNCIL

TUESDAY 24 MARCH 2020

MINUTES

**we make it
happy**

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Esperance for any act, omission or statement or intimation occurring during Council or Committee meetings. The Shire of Esperance disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the Shire of Esperance during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Shire of Esperance. The Shire of Esperance warns that anyone who has any application lodged with the Shire of Esperance must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the Shire of Esperance in respect of the application.

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

Council is committed to a code of conduct and all decisions are based on an honest assessment of the issue, ethical decision-making and personal integrity. Councillors and staff adhere to the statutory requirements to declare financial, proximity and impartiality interests and once declared follow the legislation as required.

ATTACHMENTS

Please be advised that in order to save printing and paper costs, all attachments referenced in this paper are available in the original Agenda document for this meeting.

Table of Contents / Index

ITEM NO.	ITEM HEADING	PAGE
1.	OFFICIAL OPENING	5
2.	ATTENDANCE	5
3.	APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE	5
4.	APPLICATIONS FOR LEAVE OF ABSENCE	5
5.	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION	6
6.	DECLARATION OF MEMBERS INTERESTS	6
	6.1 Declarations of Financial Interests – Local Government Act Section 5.60a	6
	6.2 Declarations of Proximity Interests – Local Government Act Section 5.60b	6
	6.3 Declarations of Impartiality Interests – Admin Regulations Section 34c	6
7.	PUBLIC QUESTION TIME	6
8.	PUBLIC ADDRESSES / DEPUTATIONS	7
9.	PETITIONS	7
10.	CONFIRMATION OF MINUTES	7
11.	DELEGATES' REPORTS WITHOUT DISCUSSION	8
12.	MATTERS REQUIRING A DETERMINATION OF COUNCIL	8
	12.1 EXTERNAL SERVICES	8
	12.1.1 Minor Amendment - Outbuildings Local Planning Policy	8
	12.2 ASSET MANAGEMENT	9
	12.2.2 Disposal of Esperance Tanker Jetty Grade 3 Timbers	9
	12.3 CORPORATE RESOURCES	9
	12.3.2 Bay of Isles Community Outreach Lease Request Hicks Street	9
	12.3.3 Policy Review External Services	10
	12.3.4 Financial Services Report - February 2020	10
	12.3.5 Committee Appointments - Community Representatives	10
	12.3.6 Committee Appointments - External Representatives	11
	12.3.8 Minor Review of the Strategic Community Plan 2017-2027	12
	12.4 EXECUTIVE SERVICES	13
	12.4.3 Fees and Charges - Indoor Sports Stadium	13
13.	REPORTS OF COMMITTEES	13
	13.2 2019/20 Budget Review	
	12.1.2 Local Planning Policy: Container Deposit Scheme Development Provisions	14
	12.1.3 Pet Cemetery	14
	12.2.1 Esperance Youth Precinct - Draft Concept Design Report	15

12.3.1	Lease - Airport Ambulance Transfer Shed - Department of Biodiversity, Conservation and Attractions	15
12.3.7	Lease - Old Court House Museum Village - Tammy Maloney	15
12.4.1	Residential Land Tender	16
12.4.2	Information Bulletin - February 2020	17
13.1	Compliance Audit Return 2019	
14.	MOTIONS OF WHICH NOTICE HAS BEEN GIVEN	18
15.	MEMBERS QUESTIONS WITH OR WITHOUT NOTICE	18
16.	URGENT BUSINESS APPROVED BY DECISION	19
17.	MATTERS BEHIND CLOSED DOORS	19
17.1	0278-20 Shark Lake Land Lease	
17.2	CEO Performance Review Consultant	
17.3	Reduction in Landing Fees Due to COVID-19 Pandemic - Regional Express (REX) Airlines	
18.	PUBLIC QUESTION TIME	21
19.	CLOSURE	21

SHIRE OF ESPERANCE

MINUTES

**ORDINARY COUNCIL MEETING HELD IN COUNCIL CHAMBERS ON
24 March 2020.
COMMENCING AT 4PM**

1. OFFICIAL OPENING

The Shire President declared the meeting open at 4.00pm and did an acknowledgement to country.

The President welcomed Councillors, staff, guests and members of the public to the meeting.

2. ATTENDANCE

Members

Cr I Mickel	President	Rural Ward
Cr B Parker	Deputy President	Rural Ward
Cr J O'Donnell		Town Ward
Cr D Piercey, JP		Town Ward
Cr S McMullen		Town Ward
Cr S Payne		Town Ward
Cr J Obourne		Town Ward
Cr R Chambers		Town Ward
Cr W Graham		Rural Ward

Shire Officers

Mr W M (Matthew) Scott	Chief Executive Officer
Mr S Burge	Director Corporate Resources
Mr M Walker	Director Asset Management
Mr T Sargent	Director External Services
Mr R Hindley	Manager Strategic Planning & Land Projects
Miss A McArthur	Administration Officer - Executive Services
Mr J Sudmeyer	Media & Communications Officer (entered at 4.03pm)

Members of the Public & Press

Dr K Nieukerke	Item 7
Miss L Birch	ABC Goldfields-Esperance

3. APOLOGIES & NOTIFICATION OF GRANTED LEAVE OF ABSENCE

Nil

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

Cr Mickel discussed the current pandemic the world is being faced with. He urged the community to work together during this difficult time to minimise the impact. Cr Mickel acknowledged the businesses who have already had to shut down to comply with government directives.

Cr Mickel stated that if you're sick stay home, wash your hands regularly and comply with isolation regulations, he also stated that you should call out those who aren't complying. Cr Mickel explained that he is convinced the community will come out stronger from this.

Mr Sudmeyer entered the Chamber at 4.03pm.

Cr Payne left the Chamber at 4.05pm and returned at 4.05pm.

6. DECLARATION OF MEMBERS INTERESTS

6.1 Declarations of Financial Interests – Local Government Act Section 5.60a

Mr Scott declared an financial interest in item 17.2 as the item deals with his contract of employment.

6.2 Declarations of Proximity Interests – Local Government Act Section 5.60b

Nil

6.3 Declarations of Impartiality Interests – Admin Regulations Section 34c

Cr Mickel declared an impartiality interest in item 14 as he has known Mr M Biven for over 30 years.

Cr Graham declared an impartiality interest in item 14 as two of his brothers on land north of Speddingup Road.

Cr Obourne declared an impartiality interest in item 17.1 as she friends with one of the applicants.

7. PUBLIC QUESTION TIME

1. Dr K Nieuwerkerke

Dr K Nieuwerkerke provided his questions in advanced to the meeting.

Question 1

Corona Virus - Can Shire please provide a basic information sheet, targeted to specifically to tourists coming to Esperance. Other than basic symptoms it should have details of who to contact (e.g. various GPs as they would not have a regular GP in town). The sheet should be hung at the tourist information booths at the entrance to town, the tourist information centre, the camping grounds and the shire office.

Mr Scott responded that the Shire is providing information to the community through social media outlets and the Shire website. Mr Scott also stated that the Shire is recommending that community members who are experiencing symptoms to go straight to the hospital rather than their GP.

Mr Sargent added that Shire Environment Health Officers have liaised with businesses and referred them to the Healthy WA website. He explained that Officers are not duplicating information received from the State regarding COVID-19, purely referring them to the main source.

Cr Mickel explained the Premier has put in place movement restrictions to people, moving between regionals, to only essential. He added Council has written the Chief Health Officer of the Western Australian Department of Health requesting to close routes into Esperance, to slow the spread of COVID-19. Cr Mickel also explained that Council has posted on social media, strongly encouraging people not to travel to Esperance.

Question 2

Jetty: Can shire provide information on the quantity, dimensions, type of grade 1 and grade 2 timber recovered from the jetty. Where is this timber currently stored. Can Shire also inform what plans it has for this timber. I made a suggestion that it be used to construct a small bridge across the lilly pond near the sound shell. Has shire got any other, innovative ideas.

Mr Scott took this question notice. A response will be provided to Dr Nieukerke in writing and will be included in the April Ordinary Council Meeting Agenda as per Section 3.3 of the Standing Orders.

Mr Scott did explain that grade one (1) and two (2) timbers will be used for the replacement as non-structural timbers, other Shire projects such as public open space and the Town Centre Revitalisation. Mr Scott explained that the issue with donating grade one and two timber is that it has commercial value.

Mr Walker added that the Shire doesn't know what quantities of grade one (1) and two (2) is has, as the deconstruction hasn't been complete. He explained that the current timbers we have been stored CSBP as per the Shires agreement with them.

Question 3

Work is done on Sheldon Rd. it was observed that the black water bay is too small, e.g a motor home/caravan was sticking onto the road while using the facility. Is there any chance to increase the bay so it can cater for the larger vehicle that now visit the town.

Mr Walker explained that Dr Nieukerke was describing the Black Water Dump Point. He stated that he will take Dr Nieukerkes feedback on advisement, as he does already have ideas for the expansion of the dump point.

Question 4

More viewing stops have been placed along the tourist loop. It is noted that not all the stops have rubbish bins. Can they be added in the near future or at least before the start of the next tourist season.

Mr Scott responded that the Shire reviews placements of bins throughout the Shire continuously. However the Shire does strongly encourage tourist to take their rubbish with them, should there be no bin available.

8. PUBLIC ADDRESSES / DEPUTATIONS

Nil

9. PETITIONS

Nil

10. CONFIRMATION OF MINUTES

Moved: Cr Chambers

Seconded: Cr O'Donnell

00320-069

That the Minutes of the Ordinary Council Meeting of the 25 February 2020 be confirmed as a true and correct record.

**CARRIED
F9 - A0**

11. DELEGATES' REPORTS WITHOUT DISCUSSION

Cr Chambers

- 11 Mar Attended South Coast Marine Park Planning Community Information Session
- 13 Mar Attended Meet and Greet for HMAS Farncomb

Cr O'Donnell

- 2 Mar Attended RFDS-WA Auxiliary Mural Ribbon Cutting Ceremony
- 11 Mar Attended the Launch of the 2020 Audience Development Program
- 12 Mar Attended T.O.A.S.T breakfast

Cr Mickel

- 11 Mar Attended the launch of the 2020 Audience Development Program
- 13 Mar Attended Meet and Greet for HMAS Farncomb

Cr Parker

- 11 Mar Attended the launch of the 2020 Audience Development Program
- 13 Mar Attended Meet and Greet for HMAS Farncomb

Cr Graham

- 11 Mar Attended South Coast Marine Park Planning Community Information Session

Cr Payne

- 11 Mar Attended Esperance Senior High School Tech Trails event
- 11 Mar Attended South Coast Marine Park Planning Community Information Session
- 20 Mar Attended GVROC Meeting
- 12 Mar Attended T.O.A.S.T breakfast

Cr Piercey

- 2 Mar Attended Official Opening of RFDS Mural Wall
- 2 Mar Attended WAWA Zoom Meeting
- 13 Mar Attended Climate Change Action Rally
- 13 Mar Attended Meet and Greet for HMAS Farncomb

12. MATTERS REQUIRING A DETERMINATION OF COUNCIL

12.1 EXTERNAL SERVICES

12.1.1 Minor Amendment - Outbuildings Local Planning Policy

Moved: Cr Payne
Seconded: Cr Piercey

O0320-070

Officer's Recommendation

That Council, in accordance with Clauses 4 and 5(2) of the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2), proceed to amend the Outbuildings Local Planning Policy as shown in Attachment A.

Council Resolution

That Council lay this matter on the table until the April Ordinary Council Meeting.

CARRIED
F7 – A2
(Against Cr Chambers & Cr Graham)

Reason: Council wanted to consider alternative wording within the policy.

12.2 ASSET MANAGEMENT

12.2.2 Disposal of Esperance Tanker Jetty Grade 3 Timbers

Moved: Cr McMullen

Seconded: Cr Payne

O0320-071

Officer's Recommendation

That Council donates Historic Esperance Tanker Jetty Grade 3 Timber to the following as per the requested amounts:

1. _____; and
2. _____

Council Resolution

That Council lay this matter on the table to assess further applications.

**CARRIED
F9 - A0**

Reason: Council wanted to assess applications as a later date.

12.3 CORPORATE RESOURCES

12.3.2 Bay of Isles Community Outreach Lease Request Hicks Street

Moved: Cr McMullen

Seconded: Cr Chambers

O0320-072

Officer's Recommendation

That Council, subject to Department of Lands' approval, agrees to;

1. Enter into a lease agreement with Bay of Isles Community Outreach for the property located at 4 Hicks Street, Esperance;
2. Weekly rent payable of \$100;
3. Lease preparation fee of \$130 Inc GST being payable; and
4. The term of the lease being from 24 April 2020 to 12 June 2020.

Council Resolution

That Council, subject to Department of Lands' approval, agrees to;

1. **Enter into a lease agreement with Bay of Isles Community Outreach for the property located at 4 Hicks Street, Esperance;**
2. **Weekly rent payable of \$100;**
3. **Lease preparation fee of \$130 Inc GST being payable; and**
4. **The term of the lease being from 1 April 2020 to 20 June 2020; And**
5. **Give the CEO delegated authority to extend the lease for up to an additional three months.**

**CARRIED
F9 - A0**

Reason: Council wanted to amend the lease dates as per the tenants request.

Cr Mickel declared a financial interest in item 12.3.3 and left the Chamber at 4.40pm.

Cr Parker took the chair.

Mr Scott left the Chamber at 4.45pm.

Mr Sudmeyer left the Chamber at 4.47pm and did not return.

Mr Scott returned to the Chamber at 4.50pm

12.3.3 Policy Review External Services

Moved: Cr Payne

Seconded: Cr Piercey

O0320-073

Officer's Recommendation

That Council endorse the External Services policies inclusive of amendments, inclusions and deletions as reviewed.

Council Resolution

That Council lay this matter on the table until questions on the policies have been answered.

**CARRIED
F8 - A0**

Reason: Council wanted to have all questions on the policies answered before endorsing.

Cr Mickel returned to the Chamber at 5.00pm.

Cr Mickel took the chair.

12.3.4 Financial Services Report - February 2020

Moved: Cr Chambers

Seconded: Cr O'Donnell

O0320-074

Council Resolution

That the report entitled Monthly Financial Management Report (incorporating the Statement of Financial Activity) for the month of February 2020 as attached be received.

**CARRIED
F9 - A0**

12.3.5 Committee Appointments - Community Representatives

Moved: Cr McMullen

Seconded: Cr O'Donnell

O0320-075

Officer's Recommendation

That Council appoints the following persons as Community Representatives to the following Council Committees:

Name	Committee
Anaelle Talelo Donjio Serena Shaddick	Esperance Twin Towns Committee
Daniel Ball Corinne Waight Corey Bennier Rachel Hoey	Greater Sports Ground Redevelopment Committee
Tania Lowe	Esperance Visitor Centre Management Committee
Janett Archer	New Landfill Community Reference Group
Daniel Ball Jane Mulcock	Reconciliation Action Plan Working Group
Hannah Lauritsen Great Lauritsen	Youth Advisory Council

Council Resolution

That Council appoints the following persons as Community Representatives to the following Council Committees:

Name	Committee
Anaelle Talelo Donjio Serena Shaddick	Esperance Twin Towns Committee
Daniel Ball Corinne Waight Corey Bennier Rachel Hoey	Greater Sports Ground Redevelopment Committee
Tania Lowe	Esperance Visitor Centre Management Committee
Janett Archer	New Landfill Community Reference Group
Daniel Ball Jane Mulcock	Reconciliation Action Plan Working Group
Hannah Lauritsen Greta Lauritsen Maxwell Ayers	Youth Advisory Council

**CARRIED
F9 - A0**

Reason: Council wanted to include a later nomination and correct a name.

Mr Walker left the Chamber at 5.07pm.

12.3.6 Committee Appointments - External Representatives

Moved: Cr McMullen

Seconded: Cr Graham

00320-076

Council Resolution

That Council

1. **Appoints Organisational Representatives as members of Council Committees as per the following table;**

Committee	Organisation	Representative
Museum Management Reference Group	Esperance Bay Historical Society	Wendy Plunkett
Esperance Roadwise Committee	St John Ambulance	Paul Gaughan
Greater Sports Ground Redevelopment Committee	Esperance Indoor Sports Stadium Management Committee	Graham Mackenzie

2. **Appoints Deputy Organisational Representatives as members of Council Committees as per the following table;**

Committee	Organisation	Deputy Representative
Museum Management Reference Group	Esperance Bay Historical Society	Brendan Freeman
Greater Sports Ground Redevelopment Committee	Esperance Indoor Sports Stadium Management Committee	Phil Jones

**CARRIED
F9 - A0**

Cr O'Donnell left the Chamber at 5.10pm and returned at 5.11pm.

12.3.8 Minor Review of the Strategic Community Plan 2017-2027

Moved: Cr Payne
Seconded: Cr Obourne

00320-077

Officer's Recommendation

That Council

1. Endorse the reviewed Draft Strategic Community Plan 2017 – 2027.
2. Requests the Chief Executive Officer advertise the Draft Strategic Community Plan 2017-2027 for public comment.

Council Resolution

That Council

1. **Endorse the reviewed Draft Strategic Community Plan 2017 – 2027 with the inclusion of Councillor profiles and removal of the table on page 12.**
2. **Requests the Chief Executive Officer advertise the Draft Strategic Community Plan 2017-2027 for public comment.**

**CARRIED
F8 – A1
(Against Cr Parker)**

Reason: Council wanted to include Councillor profiles and remove a table within the Plan.

12.4 EXECUTIVE SERVICES

12.4.3 Fees and Charges - Indoor Sports Stadium

Moved: Cr Payne
Seconded: Cr McMullen

O0320-078

Council Resolution

That Council

1. Adopts the new Council Policy: Seasonal Indoor Sports Stadium Fees (as attached)
2. Amend the 2019/20 Municipal Budget (as follows) to account for Indoor Sports Stadium income over this period

Description	Budget Figure	Amended Figure	Variation
Indoor Sports Stadium Fees and Charges	0	-50,000	-50,000
Net result			-50,000

3. Create an additional class of fees for the Indoor Sports Stadium as follows:
 - a. Seasonal User 'Unit Rate' - \$15 per hour
 - b. Casual 'Peak' Hourly Rate - \$40 per hour
 - c. Casual 'Off-Peak' Rate - \$20 per hour
4. Give public notice of the imposition of the new fees identifying that they will commence from May 1 2020.

CARRIED
F7 – A2
(Against Cr O'Donnell & Cr Piercey)

Cr Chambers left the Chamber at 5.19pm.

13. REPORTS OF COMMITTEES

13.2 2019/20 Budget Review

Moved: Cr Obourne
Seconded: Cr McMullen

O0320-079

Council Resolution

That Council

1. Adopt the 2019/20 Budget Review.
2. Include \$97,470 as reimbursement income from DFES.
3. Increase transfer to Priority Projects Reserve by \$97,470.

CARRIED
F9 - A0

EN BLOC

Moved: Cr Piercey
Seconded: Cr Obourne

O0320-080

That Council adopt the Officers Recommendations for the following items:

- 12.1.2 Local Planning Policy: Container Deposit Scheme Development Provisions**
- 12.1.3 Pet Cemetery**
- 12.2.1 Esperance Youth Precinct - Draft Concept Design Report**
- 12.3.1 Lease - Airport Ambulance Transfer Shed - Department of Biodiversity, Conservation and Attractions**
- 12.3.7 Lease - Old Court House Museum Village - Tammy Maloney**
- 12.4.1 Residential Land Tender**
- 12.4.2 Information Bulletin - February 2020**
- 13.1 Compliance Audit Return 2019**

**CARRIED
F9 - A0**

12.1.2 Local Planning Policy: Container Deposit Scheme Development Provisions

Moved: Cr Piercey
Seconded: Cr Obourne

O0320-081

Council Resolution

That Council in accordance with Clause 4(1) of the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2) proceed with the Local Planning Policy: Container Deposit Scheme Development Provisions, as contained in Attachment B.

**CARRIED
F9 - A0**

12.1.3 Pet Cemetery

Moved: Cr Piercey
Seconded: Cr Obourne

O0320-082

Council Resolution

That Council request the Management Orders for Reserve 23043 be amended by adding the land use of 'Pet Cemetery' as a permitted use.

**CARRIED
F9 - A0**

12.2.1 Esperance Youth Precinct - Draft Concept Design Report

Moved: Cr Piercey
Seconded: Cr Obourne

O0320-083

Council Resolution

That Council endorse the Esperance Youth Precinct – Draft Concept Design Report for community consultation.

**CARRIED
F9 - A0**

12.3.1 Lease - Airport Ambulance Transfer Shed - Department of Biodiversity, Conservation and Attractions

Moved: Cr Piercey
Seconded: Cr Obourne

O0320-084

Council Resolution

That Council agrees to;

- 1. Enter into a lease with the Conservation and Land Management Executive Body for a portion of Lot 15 Coolgardie-Esperance Highway Gibson;**
- 2. The term being 3 years with a further term of 5 years;**
- 3. Annual lease fee being \$880.00 Inc GST;**
- 4. Lease preparation fee of \$570.00 Inc GST being payable;**
- 5. The Lessee modifying the existing roller door to meet their requirements, subject to relevant approvals being received; and**
- 6. The Lessee installing an electricity sub-meter on site, at their own cost, to calculate electricity usage costs.**

**CARRIED
F9 - A0**

12.3.7 Lease - Old Court House Museum Village - Tammy Maloney

Moved: Cr Piercey
Seconded: Cr Obourne

O0320-085

Council Resolution

That Council agrees to;

- 1. Accept the surrender of lease from Tammy Maloney for the Old Station Master's Ticket Box in the Museum Village, portion of Lot 103 Dempster Street Esperance;**
- 2. Enter into a lease with Tammy Maloney for the Old Court House in Museum Village, portion of Lots 60 and 61 Dempster Street, Esperance;**

3. Lease term to be 5 years;
4. Lease rental to be \$10,783.87 Inc GST per annum, subject to annual increases based on CPI;
5. Lease surrender fee of \$215 Inc GST being payable; and
6. The disposition being advertised in accordance with s3.58 of the *Local Government Act 1995* for Disposing of Property.

CARRIED
F9 - A0

12.4.1 Residential Land Tender

Moved: Cr Piercey
Seconded: Cr Obourne

00320-086

Council Resolution

That Council

1. Direct the CEO to advertise all unsold lots within Flinders Stage 2 and Lots 861 and 862 Hockey Place (excluding any lots that are under contract at the time the tender is advertised) for sale by tender.
2. Accept the valuation report from Herron Todd White for the unsold Flinders lots, undertaken in February 2020 and confirm it believes that the valuations received from Opteon Property Group for the Hockey Place Lots undertaken in February 2017, continue to be a fair indication of the value of the unsold lots.
3. Relist all lots that don't receive an offer through the tender process at the following prices:

LOT	SIZE (SQM)	Listing Price
Flinders		
214	762	\$180,000
226	766	\$175,000
227	766	\$175,000
228	766	\$175,000
237	817	\$180,000
239	836	\$190,000
240	836	\$190,000
241	836	\$190,000
242	836	\$185,000
243	836	\$190,000
244	836	\$190,000
245	836	\$190,000
248	836	\$195,000
249	836	\$190,000
266	768	\$180,000
271	801	\$180,000
275	801	\$180,000
276	760	\$180,000

277	760	\$180,000
281	760	\$180,000
Hockey Place		
861	567	\$170,000
862	571	\$175,000

4. Delegate authority to the CEO to negotiate and accept offers on these listed properties at or above the Minimum Acceptable Sale Price identified in the schedule within Attachment E (Listing and Sale Prices).

CARRIED
F9 - A0

12.4.2 Information Bulletin - February 2020

Moved: Cr Piercey
Seconded: Cr Obourne

O0320-087

Council Resolution

That Council accepts the Information Bulletin for February 2020 (inclusive of):

- 1. Corporate Performance Report - February 2020**
- 2. Register - Delegations Discharge - Corporate Resources**
- 3. Unconfirmed Minutes - GVROC - 28 February 2020**

CARRIED
F9 - A0

13.1 Compliance Audit Return 2019

Moved: Cr Piercey
Seconded: Cr Obourne

O0320-088

Council Resolution

That Council adopt the 2019 Shire of Esperance Compliance Audit Return pursuant to Regulation 14(3) of the *Local Government (Audit) Regulations 1996*.

CARRIED
F9 - A0

Cr Piercey left the Chamber at 5.29pm and did not return.

14. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

MOTION

Moved: Cr McMullen
Seconded: Cr Chambers
Cr Obourne

O0320-089

That Council Revoke Resolution O0220-042 - Proposed Landfill at Lot 12 Kirwan Rd.

CARRIED
F6 – A2
(Against Cr Parker & Cr Graham)

MOTION

Moved: Cr Parker
Seconded: Cr Graham

O0320-090

That Council:

1. Abandon the proposed Waste Facility Site at Lot 12 Kirwan Road, Merivale;
2. Instruct the CEO to investigate options for the disposal of Lot 12 Kirwan Road, Merivale, and present the results to Council by the September 2020 Ordinary Council Meeting (OCM).

CARRIED
F7 – A1
(Against Cr McMullen)

MOTION

Moved: Cr Parker
Seconded: Cr Payne

O0320-091

Council Resolution

That Council instruct the CEO to seek and investigate in a consultative manner possible sites for a Waste Management Facility north of Speddingup East Road, inclusive of Lot 39 Logan Road on Plan 138984, based on a selection criteria to be determined by Council.

CARRIED
F7 – A1
(Against Cr McMullen)

15. MEMBERS QUESTIONS WITH OR WITHOUT NOTICE

Nil

16. URGENT BUSINESS APPROVED BY DECISION

MOTION

Moved: Cr Parker
Seconded: Cr Obourne

O0320-092

That Council accept the following late items:

17.3 Reduction in Landing Fees Due to COVID-19 Pandemic - Regional Express (REX) Airlines

**CARRIED
F8 - A0**

17. MATTERS BEHIND CLOSED DOORS

Moving behind closed doors

Moved: Cr O'Donnell
Seconded: Cr Obourne

O0320-093

That the meeting proceed behind closed doors in accordance with section 5.23(2) of the Local Government Act 1995, to consider the following items, which are considered confidential for the reasons indicated.

17.1 0278-20 Shark Lake Land Lease

This report is considered confidential in accordance with the Local Government Act 1995, as it relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting (Section 5.23(2)(c)).

17.2 CEO Performance Review Consultant

This report is considered confidential in accordance with the Local Government Act 1995, as it relates to a matter affecting an employee or employees (Section 5.23(2)(a)); and a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting (Section 5.23(2)(c)).

**CARRIED
F8 - A0**

17.1 0278-20 Shark Lake Land Lease

Officer's Recommendation

That Council agrees to;

1. Award Request for Tender 0278-20 Shark Lake Land Lease to Mr. Luke O'Shannessy for a term of 5 Years.
2. All lease terms and conditions being as per Council's Shark Lake Land Lease Template

MOTION

Moved: Cr McMullen
Seconded:

That Council agrees to;

1. Award Request for Tender 0278-20 Shark Lake Land Lease to Drillers Ridge for a term of 5 Years.
2. All lease terms and conditions being as per Council's Shark Lake Land Lease Template.

MOTION LAPSED

Moved: Cr Obourne

Seconded: Cr Payne

O0320-094

Council Resolution

That Council agrees to;

- 1. Award Request for Tender 0278-20 Shark Lake Land Lease to Wittenoom Plains for a term of 5 Years.**
- 2. All lease terms and conditions being as per Council's Shark Lake Land Lease Template.**

CARRIED

F4 – A4

Cr Mickel used his casting vote for this motion
(Against Cr Chambers, Cr Mickel, Cr Parker & Cr Graham)

Reason: Council wanted to award the tender to Wittenoom Plains.

Mr Scott declared his financial interest in item 17.2 and left the Chamber at 5.54pm.

17.2 CEO Performance Review Consultant

Moved: Cr Payne

Seconded: Cr Obourne

O0320-095

Council Resolution

That Council endorse the appointment of John Phillips Consulting to conduct the 2020 CEO Performance Review.

CARRIED

F8 - A0

Mr Scott returned to the Chamber at 6.03pm

17.3 Reduction in Landing Fees Due to COVID-19 Pandemic - Regional Express (REX) Airlines

Moved: Cr McMullen

Seconded: Cr Parker

O0320-096

Council Resolution

That Council

- 1. Acknowledge and accept REX Airlines decision to terminate the current agreement with the Shire of Esperance, as at 1 April 2020;**
- 2. Provide delegated authority to the CEO to enter into a new agreement with REX Airlines to maintain an air service between Esperance and Perth; and**
- 3. Defer any further airport charges, post 1 April 2020, to REX Airlines until a new agreement has been reached.**

CARRIED

F8 - A0

Coming from behind closed doors

Moved: Cr Parker

Seconded: Cr Payne

O0320-097

That the meeting come from behind closed doors.

**CARRIED
F8 - A0**

18. PUBLIC QUESTION TIME

Nil

19. CLOSURE

The President declared the meeting closed at 6.22pm.

These Minutes were confirmed at a meeting held on _____

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed.

Dated _____